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MEMO ENDORSED

March 25, 2008

VIA OVERNIGHT MAIL

Honorable Kenneth M. Karas
United States District Court
United States District Courthouse
300 Quarropas Street, Chambers 533
White Plains, NY 10601-4150

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RE: Pape et. al. v. Wappingers Central School District, et. al. (Case No. 07cv8828)

Dear Judge Karas:

Our firm represents the defendants in the above-referenced matter. We respectfully request an extension of time to move to dismiss under Rule 12[b] of the Federal Rules of Civil Procedure and a date for a pre-motion conference on the matter as required under your Individual Part Rules.

The defendants' time to answer or move is March 31, 2008 (originally March 3, 2008 but extension was granted by the Court – see enclosed). This will be our second request. Our previous request had been granted. I have left voice messages with plaintiffs' counsel but have not heard back from him. We respectfully request a pre-motion conference on or about April 8, 2008 and a new deadline for defendants to move to dismiss on April 22, 2008.

Since our last correspondence, we have come to learn that plaintiff has failed to effectuate proper service on individual defendants Wayne Gersen and Joseph Corrigan. Upon information and belief, plaintiffs have not served a Rule 4(m) service waiver form.

Honorable Kenneth M. Karas
March 25, 2008
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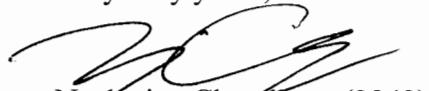
After repeated attempts at communication, I finally contacted Mr. Gersen last week as he was away during the first half of the month. However, due to his previous unavailability and the fact that he is not a resident of the State of New York, obtaining an affidavit from Mr. Gersen in a timely fashion prior to requesting a pre-motion conference in ample time to meet the March 31st deadline will be problematic.

With regard to Joseph Corrigan, we have been unable to contact him since plaintiffs' counsel has filed the affidavits of service. It is my understanding that Mr. Corrigan is on vacation either in Colorado or New Mexico and will be returning to New York between the first and second week of April 2008. It is also my understanding that Mr. Corrigan has not been properly served, but obtaining an affidavit from Mr. Corrigan, after the affidavits of service were filed with the Court, has been problematic given Mr. Corrigan's absence. I have attempted to contact him regarding this matter but have been unsuccessful.

Since affidavits are generally acceptable in a motion to dismiss when affidavits establish that there is no material question of fact, I believe obtaining these affidavits will be necessary for a proper motion to dismiss. Therefore, I respectfully request a pre-motion conference and an extension of time to move to dismiss.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

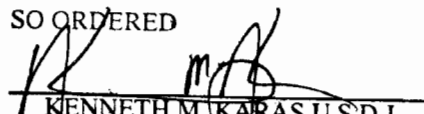


Neelanjan Choudhury (2342)

cc: Ben M. Arai, Esq. (via overnight mail)

Defendants' time to answer is extended
until April 22, 2008. Defendant is to submit
its pre-motion letter by April 8, 2008, and then
the Court will schedule a pre-motion conference

SO ORDERED



KENNETH M. KARAS U.S.D.J.
3/28/08